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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,568	07/02/2003	Alfred Alexander Taylor	086345-000000US	2937
	7590 05/17/200 AND TOWNSEND AN	EXAMINER		
	CADERO CENTER	SIPOS, JOHN		
	SCO, CA 94111-3834		ART UNIT	PAPER NUMBER
			3721	
			MAIL DATE	DELIVERY MODE
		•	05/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)
	10/613,568	TAYLOR ET AL.
Office Action Summary	Examiner	Art Unit
	John Sipos	3721
The MAILING DATE of this communication od for Reply	n appears on the cover sheet v	with the correspondence address
A SHORTENED STATUTORY PERIOD FOR R WHICHEVER IS LONGER, FROM THE MAILIN - Extensions of time may be available under the provisions of 37 Cl after SIX (6) MONTHS from the mailing date of this communicatio - If NO period for reply is specified above, the maximum statutory p - Failure to reply within the set or extended period for reply will, by a Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	IG DATE OF THIS COMMUN FR 1.136(a). In no event, however, may a on. heriod will apply and will expire SIX (6) MC statute, cause the application to become A	IICATION. a reply be timely filed DNTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).
tus		
1) Responsive to communication(s) filed on	09 April 2007.	
	This action is non-final.	
3) Since this application is in condition for all	owance except for formal ma	itters, prosecution as to the merits is
closed in accordance with the practice und	der <i>Ex parte Quayle</i> , 1935 C.	D. 11, 453 O.G. 213.
position of Claims		
4) Claim(s) 1-15 is/are pending in the application	ation.	
4a) Of the above claim(s) 8-15 is/are withd		
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>1-7</u> is/are rejected.		
7) Claim(s) is/are objected to.		
B)☐ Claim(s) are subject to restriction a	nd/or election requirement.	
lication Papers		
9) The specification is objected to by the Exa	miner.	
0) ☐ The drawing(s) filed on is/are: a) ☐	accepted or b) objected to	by the Examiner.
Applicant may not request that any objection to	o the drawing(s) be held in abeya	ance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the co	· · · · · · · · · · · · · · · · · · ·	
1) The oath or declaration is objected to by the	ne Examiner. Note the attache	ed Office Action or form PTO-152.
ority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of:	reign priority under 35 U.S.C.	§ 119(a)-(d) or (f).
1. Certified copies of the priority docur	ments have been received.	
		Application No
1. Certified copies of the priority docur	ments have been received in	
1. Certified copies of the priority docur2. Certified copies of the priority docur	ments have been received in priority documents have bee ureau (PCT Rule 17.2(a)).	n received in this National Stage

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date See Continuation Sheet.

Priority under 35 U.S.C. § 119

Disposition of Claims

Application Papers

Period for Reply

Status

4) 📙	Interview Summary (PTO-413)
	Paper No(s)/Mail Date

5) Notice of Informal Patent Application

6) Other:

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/2/04;10/11,10/24,11/4/05;9/14/06.

ELECTION

Aplicant's election with traverse of Group I, claims 1-7, in the reply filed on April 9, 2007 is acknowledged. The traversal is on the ground that the limitation "providing a plurality of sealingly closed bags, the bags being joined by end seal areas" renders the apparatus and method non-restrictable, as the bags can not be sealed by hand, nor can the end seal areas be made by hand. This is not found persuasive because the method claims do not delimit the sealingly closed bags and end seal areas to those that are not provided and sealed by hand, and accordingly the method claims are in no way limited to bags and end seal areas made by the disclosed apparatus. It should also be noted that the process of Group II can be performed by a process other than the one recited in the claims of Group I. For example, the method could be performed by a sealing jaw and a cutting mechanism that are not in a single unit but rather are separate mechanisms.

The requirement is still deemed proper and is therefore made FINAL.

REJECTIONS OF CLAIMS BASED ON FORMAL MATTERS

The following is a quotation of the second paragraph of 35 U.S.C. '112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. '112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The dependencies of claims 6 and 7 should be corrected by deleting "any one of" in lines 1 of these claims. Also, the last two lines of claim 7 should be cancelled or should be made part of the previous sentence of the claim.

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REJECTIONS OF CLAIMS BASED ON PRIOR ART

The following is a quotation of the appropriate paragraphs of 35 U.S.C. '102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims ~ are rejected under 35 U.S.C. ' 102(b) as being anticipated by the patent to \sim

The following is a quotation of 35 U.S.C. '103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,3 and 6 are rejected under 35 U.S.C. '103(a) as being unpatentable over the patent to Gur (5,433,060). The patent to Gur shows an apparatus for attaching bags to a flexible strip comprising of a jaw assembly 50 made up of two jaws 52,53 and a slot for the passing the strip which jaws secures the bags to the strip, a strip delivery mechanism 14+, a drive assembly to cause the movement of the jaws and a blade in groove 58 of the sealing jaw to cut the bags and the strip. Regarding the preamble of the claim that the "bags are delivered to the machine in

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an attached configuration" has little bearing on the structure of the claimed apparatus and it is merely an intended use of the machine.

Claims 2 and 4 are rejected under 35 U.S.C. '103(a) as being unpatentable over the patent to Gur (5,433,060). The use of movable cutters in sealing jaws and crank mechanisms to create the reciprocating motion of the cutters are well known in the art and the Examiner takes official notice that their use is common knowledge in the packaging art. In the above cases the modification of the Gur operation would have been obvious to one skilled in the art for the known benefits of each modification. For example, providing a cutter with a crank mechanism would provide positive control over the blade during the sealing operation.

Claim 7 is rejected under 35 U.S.C. '103(a) as being unpatentable over the patent to Gur (5,433,060) and further in view of Pike (3,608,709) or Buckner (4,493,178). The patent to Gur lacks an upstream sealing jaws that form the end seals of the bags but rather it simultaneously seals the bags to form the end seals, cuts the bags apart and seals the bags to the flexible strip. The patents to pike and Buckner show the forming of sets of bags where in a sealing jaw forms the end seals of the bags but does not cut the bags apart and thereby form a plurality of connected bags. It would have been obvious to one skilled in the art to separate the end seal forming step from the cutting step of Gur as taught by Pike or Buckner so that a plurality of connected bags are formed.

ADDITIONAL REFERENCES CITED

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The following prior art is made of record but has not been relied upon in the rejection of claims. However, the prior art is considered pertinent to applicant's disclosure.

The patents to Kubo, Belt, Yamamoto, Perea and Junker show the sealing of bags to a flexible strip.

The patents to Fuss and Giacoman show the formations of sets of bags with end seals and perforations in between.

The patent to Lemke shows a sealing jaw with an movable knife.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Examiner John Sipos** at telephone number **571-272-4468**. The examiner can normally be reached from 6:30 AM to 4:00 PM Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at **571-272-4467**.

The FAX number for U.S. Patent and Trademark Office is (571) 273-8300.

